



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, PSF, OLC / CNR-MT, OLC

Introduction

The hearing was convened following two applications for dispute resolution (Applications) from the Tenant under the *Residential Tenancy Act* (the Act), which were joined to be heard simultaneously.

In their first Application the Tenant seeks:

- An order canceling a One Month Notice to End Tenancy for Cause under section 47(4) of the Act;
- An order for the Landlord to provide services or facilities required by the tenancy agreement or law under section 62(3) of the Act; and
- For the Landlord to comply with the Act, *Residential Tenancy Regulation* (the Regulation), or the tenancy agreement under section 62 of the Act;

In their second Application the Tenant seeks:

- An order canceling a 10 Day Notice to End Tenancy for Unpaid Rent under section 46(4)(b) of the Act;
- An extension to the time limit to submit their Application under section 66 of the Act; and
- For the Landlord to comply with the Act, the Regulation, or the tenancy agreement under section 62 of the Act.

The Respondent Landlord, the Landlord not listed on the Application, and the Landlords' Agent called into this teleconference at the date and time set for the hearing of this matter. The attending parties affirmed to tell the truth during the hearing and were given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 11:10 AM to enable the Applicant Tenant to connect with this teleconference hearing scheduled for 11:00 AM the Tenant did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Landlord and I were the only parties who had called into this teleconference.

Rule 7.1 of the *Rules of Procedure* states that a hearing will commence at the scheduled time, unless otherwise set by the Arbitrator.

Rule 7.3 of the *Rules of Procedure* states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application with or without leave to reapply.

Preliminary Issue – Vacant Possession of the Rental Unit

At the outset of the hearing the Landlords and their Agent informed me that through an application by way of Direct Request Proceeding, the Landlords had obtained an Order of Possession which had been duly served to the Tenant. A Writ of Possession had then been obtained by the Landlords which was duly executed when, on November 7, 2023, court appointed bailiffs attended the rental unit. The Landlords now have vacant possession of the rental unit, as of November 7, 2023.

The file number for the Landlords' application is listed on the front page of this Decision.

Given the above, I find the Tenant's Applications are moot since the tenancy has ended and Landlords now have vacant possession of the rental unit.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. Given this, I exercise my authority under section 62(4)(b) of the Act to dismiss the Tenant's Applications without leave to reapply.

Conclusion

The Applications are moot and are dismissed without leave to reapply.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: November 17, 2023

Residential Tenancy Branch